

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 16-03026-01-CR-S-MDH

EVERT HENRY,

Defendant.

MOTION FOR CONTINUANCE OF SENTENCING HEARING

Comes now the United States of America, by and through its undersigned counsel, and moves the Court for a continuance of the sentencing hearing in the above-entitled matter currently scheduled for August 30, 2017, at 9:30 a.m., for the following reasons:

1. Counsel for “Amy,” a victim in the “Misty” series of child pornography, provided the Government with a request for restitution on August 28, 2017, at 8:59 p.m.
2. Counsel for “Amy” believes that pornographic depictions of her client were among those possessed by the defendant.
3. Undersigned counsel for the Government has not had time to verify whether depictions of “Amy” are in fact included in the defendant’s child pornography collection.
4. If such depictions of “Amy” are among the illicit imagery possessed by the defendant, there is a fair probability that the attorneys for the parties involved will be able to negotiate a settlement of the restitution claim without having to litigate the matter before the Court.
5. Undersigned counsel attempted to contact the attorney for the defendant to determine whether he has an objection to the Government’s request for continuance via telephone and

e-mail, but was informed that Mr. Mercer is not in the office today.

6. Undersigned counsel does not believe that more than two weeks will be necessary to properly address the issues raised by the request for restitution.
7. Counsel assures the Court that this requested enlargement of time is not sought to hinder or delay this matter, and will not result in prejudice to the defendant.

WHEREFORE, for all the foregoing reasons, the United States respectfully requests that a continuance of the sentencing hearing be granted to allow undersigned counsel to fully address the restitution request submitted by “Amy.”

Respectfully submitted,

Thomas M. Larson
Acting United States Attorney

By: /s/James J. Kelleher
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on August 29, 2017, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ James J. Kelleher
James J. Kelleher
Assistant United States Attorney